



January 10, 2017

**VIA ECFS AND FEDERAL EXPRESS**

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th St., S.W.  
Washington, DC 20554

**Re: AT&T Corp. v. Great Lakes Commc'n Corp., Docket No. 16-170,  
File No. EB-16-MD-001**

Dear Ms. Dortch:

On behalf of Great Lakes Communication Corp. ("Great Lakes"), I have enclosed for filing the **Public Version** of its Post-Discovery Brief. As contemplated by the Commission's rules and the Protective Order entered in connection with the File noted above, all confidential and highly confidential information has been redacted from this **Public Version**.

Great Lakes is separately filing via overnight delivery hard copies of the **Confidential and Highly Confidential Versions** of its Brief. In addition, copies of all versions of the submission are being served electronically on AT&T's counsel, and courtesy copies are also being provided electronically to the Commission's Enforcement Bureau.

Please don't hesitate to contact me if you have any questions regarding this filing.

Respectfully submitted,

A handwritten signature in blue ink that reads 'J. Bowser'.

Joseph P. Bowser  
COUNSEL FOR GREAT LAKES COMMUNICATION CORP.

Enclosure

cc: James F. Bendernagel, Jr., Counsel for Complainant  
Michael J. Hunseder, Counsel for Complainant  
Brian A. McAleenan, Counsel for Complainant  
Benjamin R. Brunner, Counsel for Complainant  
Lisa Griffin, FCC  
Anthony DeLaurentis, FCC  
Sandra Gray-Fields, FCC  
Christopher Killion, FCC

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of**

**AT&T CORP.  
One AT&T Way  
Bedminster, NJ 07921  
(202) 457-3090**

**Complainant,**

**v.**

**File No. EB-16-MD-001**

**GREAT LAKES COMMUNICATION CORP.  
1501 35<sup>th</sup> Avenue, W  
Spencer, IA 51301  
(712) 580-4700**

**Defendant.**

**GREAT LAKES COMMUNICATION CORP.'S  
POST-DISCOVERY BRIEF**

In accordance with the Staff-approved Supplemental Joint Statement on Discovery and Scheduling submitted by the parties on December 12, 2016, Defendant Great Lakes Communication Corp. (“Great Lakes” or “GLCC”) respectfully submits this brief on the discovery that Complainant AT&T Corp. (“AT&T”) has provided in this proceeding.<sup>1</sup>

**I. GLCC-ATT 1**

AT&T’s response to Interrogatory No. 1 (“GLCC-ATT 1”) confirms, once more, that AT&T is complaining that it was somehow unjust and unreasonable for Great Lakes to not re-engineer its network to accommodate a non-existent “direct connection” for AT&T so that AT&T could bypass the FCC-approved Centralized Equal Access provider in Iowa (INS).

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<sup>1</sup> See AT&T Corp.’s Responses to First Set of Interrogatories (Nov. 18, 2016), which AT&T revised on December 12, 2016 and supplemented on December 21, 2016.

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Great Lakes explained in its Legal Analysis the various reasons why AT&T's demand that Great Lakes provide it a "direct connection" is flawed as a matter of law. Legal Analysis § I. AT&T's discovery responses have confirmed that the alternative connection that AT&T wanted Great Lakes to establish did not exist as a matter of fact, and that AT&T never offered to compensate Great Lakes for the substantial investment that AT&T wanted Great Lakes to undertake. As Mr. Starkey explains in his accompanying declaration, even if [[BEGIN

CONFIDENTIAL]] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. [[END CONFIDENTIAL]] See Exhibit 1,

Starkey Dec. ¶¶ 5-12. [[BEGIN CONFIDENTIAL]] [REDACTED]

[REDACTED]

[REDACTED] [[END

CONFIDENTIAL]]

It is likewise misleading and inaccurate for AT&T to suggest that Great Lakes' refusal to capitulate to [[BEGIN CONFIDENTIAL]] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

\_\_\_\_\_

II. GLCC-ATT 2

AT&T's response to Great Lakes' Interrogatory No. 2 highlights that AT&T has done next to nothing to seek out alternate transport providers for its Great Lakes-bound traffic.

AT&T's Mr. Habiak sent one email to a representative of a company called [[BEGIN

CONFIDENTIAL]] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [[END CONFIDENTIAL]] Exhibit 2 (J. Nelson Dep. 15:20-16:10).

Second, the notion that Great Lakes would not entertain the possibility of terminating AT&T's traffic via a least-cost router is contradicted by the undisputed facts. As noted in Great Lakes' discovery responses (*see* Response to ATT-GLCC 13) and Mr. Nelson's declaration

submitted with Great Lakes' Answer, Great Lakes entered into a contract with [[BEGIN

CONFIDENTIAL]] [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

||END

AT&T is wrong, factually and legally, in concluding this interrogatory response as follows: “although AT&T investigated certain options other than INS for delivering its traffic to GLCC, GLCC either rejected those options, or AT&T concluded that the rates offered for those options were less attractive than the rate at which AT&T is entitled under law; namely, the CenturyLink direct connection rates.” AT&T Responses at 11. Great Lakes has not rejected AT&T’s other “options,” and AT&T is not entitled to a direct connection “under law,” and certainly not for one that does not exist and that AT&T appears to think someone else should build for its benefit.

### III. GLCC-ATT 4

Rounding out its sophistry, AT&T disingenuously attempts to minimize the significance of its own **[[BEGIN CONFIDENTIAL]]** [REDACTED]

||END

**CONFIDENTIAL**|| Exhibit 21 (to Answer) at 3 (ATT0001198).

AT&T claims that this is not a “policy,” but is instead a “protocol,” or a “template.”

AT&T Responses at 15-16. Although the Interrogatory responses are verified by Mr. Habiak, when asked in his deposition why the **[[BEGIN CONFIDENTIAL]]** [REDACTED]

[REDACTED] **[[END CONFIDENTIAL]]** Mr. Habiak, who did not draft the document, testified **[[BEGIN HIGHLY CONFIDENTIAL]]** [REDACTED]

**HIGHLY CONFIDENTIAL]] Exhibit 3** (Habiak Dep. 173:23-174:18; *id.* at 175:15-176:3).

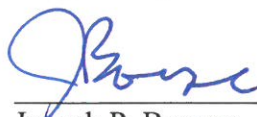
Regardless of whether it is a “policy,” a “protocol” or a “template,” AT&T only gives a single example of requesting a direct connect with a CLEC in **[[BEGIN CONFIDENTIAL]]** **[[END CONFIDENTIAL]]** and the CLEC, consistent with well-settled law, “declined to provide the facilities.” AT&T Responses at 16 n.6. This response merely confirms that AT&T does not sincerely maintain that it is entitled, as a matter of law, to demand a direct connect from CLECs. The response merely recites a host of factors that AT&T considers in deciding whether to pursue unregulated services from CLECs willing to provide them on terms that they believe justify the voluntary investment that AT&T is asking them to undertake.



**PUBLIC VERSION**

DATED: January 10, 2017

Respectfully submitted,



---

Joseph P. Bowser

G. David Carter

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COUNSEL FOR GREAT LAKES  
COMMUNICATION CORP.

**PUBLIC VERSION**

**CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2017, I caused a copy of the foregoing **Post-Discovery Brief** to be served as indicated in brackets below to the following:

Marlene H. Dortch  
Office of the Secretary  
Market Disputes and Resolution Division  
Federal Communications Commission  
445 12th St., S.W.  
Washington, DC 20554

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Federal Express; Confidential and Highly  
Confidential Versions via Federal Express]

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Anthony DeLaurentis  
Sandra Gray-Fields  
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Versions via e-mail]

Respectfully submitted,



---

Joseph P. Bowser

**PUBLIC VERSION**

**TABLE OF EXHIBITS  
IN SUPPORT OF GREAT LAKES' POST-DISCOVERY BRIEF**

<b>EXHIBIT</b>	<b>DOCUMENT</b>
<b>1</b>	<b>Declaration of Michael Starkey</b> (January 10, 2017) *CONFIDENTIAL MATERIALS OMITTED*
<b>2</b>	<b>Excerpted pages from the deposition of Josh Nelson</b> , on behalf of Great Lakes Communication Corp., in <i>CenturyLink, Inc. v. Alpine AudioNow, LLC, et al.</i> , Case 1:15-cv-01973-MSK-KLM, (August 11, 2016) *CONFIDENTIAL MATERIALS OMITTED*
<b>3</b>	<b>Excerpted pages from the deposition of John Habiak</b> (Tr. 171-180) (November 13, 2014) *HIGHLY CONFIDENTIAL MATERIALS OMITTED*

# **EXHIBIT 1**

**Declaration of Michael Starkey  
(January 10, 2017)**

**CONFIDENTIAL  
MATERIALS OMITTED**

**PUBLIC VERSION**

Before the FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

In the Matter of

AT&T CORP.  
One AT&T Way  
Bedminster, NJ 07921  
(202) 457-3090

Complainant,

v.

GREAT LAKES COMMUNICATION  
CORP.  
1501 35<sup>th</sup> Avenue, W  
Spencer, IA 51301  
(712) 580-4700

Defendants,

File No. EB-16-MD-001

**DECLARATION OF MICHAEL STARKEY**

I, Michael Starkey, declare as follows:

1. I am the President and founding partner of QSI Consulting, Inc. ("QSI"). I have worked as a professional in the telecommunications industry since 1991 (roughly 25 years). Since 1996 I have worked as a consultant for numerous communications companies (AT&T, Charter, Comcast, Level 3, Sprint, T-Mobile, etc.) and other industry stakeholders (e.g. U.S. Department of Defense, state regulatory agencies, etc.). Prior to that, I served as the Director of Telecommunications for the Maryland Public Service Commission ("PSC") and as an economist for other state agencies authorized to regulate intrastate telecommunications markets: *i.e.*, the Illinois Commerce Commission and the Missouri PSC. A more thorough description of my background, including a copy of my

1 curriculum vitae, was included with my September 15, 2016 Declaration in this same  
2 matter.

3 2. I have personal knowledge of the facts and conclusions set forth below, and  
4 if called as a witness, I could and would competently testify to the following.

5 3. I have reviewed recent discovery responses submitted by AT&T  
6 Corporation (“AT&T”) in this matter (as revised by AT&T on December 12, 2016). I’ve  
7 been asked by Counsel for Great Lakes Communication Corporation (“GLCC”) to  
8 reconcile AT&T’s most recent responses with my prior Declaration. Specifically, I was  
9 asked whether any of the additional information provided by AT&T changes my opinion  
10 that Mr. Habiak<sup>1</sup> overstated the “savings” he and AT&T associate with a hypothetical  
11 “direct trunked transport” (“DTT”) arrangement that might be constructed between the  
12 AT&T and GLCC networks.

13 4. The additional information provided by AT&T does not change my opinion.  
14 In fact, the correspondence provided by AT&T between itself and [[BEGIN

15 **CONFIDENTIAL]]** [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]. **[[END CONFIDENTIAL]]** The fact that Mr. Habiak  
19 in Exhibit 91 assumes away those additional costs (and the time required to build those  
20 facilities) is a major flaw in his analysis.

21 5. Below I describe the fact that, contrary to AT&T’s assertions, **[[BEGIN**  
22 **CONFIDENTIAL]]** [REDACTED]

---

<sup>1</sup> Declaration of John W. Habiak, August 15, 2016 (see also Exhibit 91 for Mr. Habiak’s analysis).

1 [REDACTED]  
2 [REDACTED] **[[END**  
3 **CONFIDENTIAL]]** Before I reach that topic, however, I want to note that AT&T’s  
4 additional discovery responses do not impact any of my other concerns regarding Mr.  
5 Habiak’s and AT&T’s analysis of its potential savings from such an arrangement. For  
6 example, I previously discussed the material differences between “tandem switched  
7 transport” services, which are purchased by AT&T on an as-needed, per-minute-of-use  
8 basis, and DTT, which requires AT&T to engineer necessary capacity and bear the  
9 operational and financial risks of those decisions. I demonstrated that Mr. Habiak’s  
10 analysis ignores these complexities by making a simplistic, and ultimately misleading,  
11 assumption that AT&T’s traffic to GLCC would be relatively constant, predictable and  
12 distributed evenly throughout a given day or month **[[BEGIN CONFIDENTIAL]]** [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED] **[[** [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]<sup>4</sup> **[[END CONFIDENTIAL]]** Nothing in AT&T’s most recent discovery responses  
20 resolves these flaws in Mr. Habiak’s analysis.

<sup>2</sup> Digital Service 3 (“DS3”), nomenclature describing a digital connection with a capacity equal to roughly 45Mbs or 672 voice grade channels.  
<sup>3</sup> Starkey Declaration (September 15, 2016), pgs. 4-8.  
<sup>4</sup> *Id.*, pg. 10.

CenturyLink Did Not Tell AT&T it Could Connect AT&T to GLCC's End Office in  
Spencer

6. AT&T provides the following statement in its Revised Responses:

[[BEGIN CONFIDENTIAL]]

[REDACTED]

[REDACTED]

<sup>5</sup> AT&T Response, GLCC-AT&T 1 (*AT&T Corp.'s Responses to First Set of Interrogatories*, December 12, 2016, hereafter "Revised Responses," pg. 7). Emphasis added.

<sup>6</sup> See, e.g., ATT0000219, ATT0000738 [[BEGIN CONFIDENTIAL]] [REDACTED]  
[REDACTED]  
[REDACTED] [[END CONFIDENTIAL]]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **[[END CONFIDENTIAL]]**

8           8.       For purposes of the remainder of the discussion, I've provided a simple  
9       diagram in order to highlight the fundamental flaw in AT&T's reasoning (and the highly  
10       misleading nature of its response). **[[BEGIN CONFIDENTIAL]]**

11       [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

<sup>9</sup> It is not uncommon for CFA to also be described as “Channel Facility Assignment” or “Connecting Facility Assignment.” In short, it is a designated location on a frame (or equivalent) that provides the ability for one facility to connect to another. When accompanied with an LOA (LOA/CFA), it most often describes a third party connecting two other networks.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **[[END CONFIDENTIAL]]** As I described in my prior

17 Declaration, those costs would likely have been substantial, and importantly, would have  
18 been duplicative of facilities GLCC already maintains between itself and its chosen tandem

<sup>10</sup> My understanding is based upon my January 4, 2017 discussion with GLCC’s CEO, Mr. Nelson, regarding network connections he maintains (or maintained) between GLCC’s Spencer end office and the CenturyLink tandem office.

<sup>11</sup> Using a Time Division Multiplexed (“TDM”) architecture (the type of connection discussed by AT&T and CenturyLink), 1 DS1 will support 24 voice grade channels. A DS3 supports 28 DS1s for a total of 672 voice grade channels per DS3. AT&T requested at least 9 DS3s for a total of 6,048 voice grade channels (9 x 672 = 6,048).

1 provider – INS.<sup>12</sup>

2 11. With the information above in mind, reconsider AT&T’s discovery  
3 response discussed earlier: **[[BEGIN CONFIDENTIAL]]**

4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]<sup>13</sup>

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

<sup>12</sup> Starkey Declaration (September 15, 2016), pgs. 8-9.

<sup>13</sup> AT&T Response, GLCC-AT&T 1 (*AT&T Corp.’s Responses to First Set of Interrogatories*, December 12, 2016, hereafter “Revised Responses,” pg. 7). Emphasis added.

<sup>14</sup> ATT0002348

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15 [REDACTED] **[[END CONFIDENTIAL]]** Simply  
16 put, in order for AT&T to have the DTT it wanted, GLCC (or someone else) would have  
17 had to build facilities that did not exist, a point AT&T's response fails to ever  
18 acknowledge.

19 12. I understand that the situation has not improved since AT&T's initial  
20 inquiries to CenturyLink in mid-2014. **[[BEGIN CONFIDENTIAL]]** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] **[[END**

24 **CONFIDENTIAL]]**

25

---

<sup>15</sup> This information is based upon my discussion with Mr. Nelson.

**PUBLIC VERSION**

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on this 10th day of January, 2017, in St. Charles, Missouri.

3



---

Michael Starkey

# EXHIBIT 2

**Excerpted pages from the deposition of  
Josh Nelson, on behalf of  
Great Lakes Communication Corp., in  
*CenturyLink, Inc. v. Alpine AudioNow, LLC*,  
Case 1:15-cv-01973-MSK-KLM,  
(August 11, 2016)**

**CONFIDENTIAL  
MATERIALS OMITTED**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF COLORADO

3                   CENTURYLINK, INC.,            ) 1:15-cv-01973-MSK-KLM  
4    ) )  
5                   Plaintiff,                    ) CONFIDENTIAL AND  
6                   vs.                            ) PURSUANT TO  
7    ) PROTECTIVE ORDER  
8                   ALPINE AUDIONOW, LLC,        )  
9                   TELARIS ENHANCED            ) VIDEOTAPED WEB  
10                   SERVICES, LLC,             ) DEPOSITION OF  
11                   and BLUETONE                ) JOSH NELSON  
12                   COMMUNICATIONS, LLC,        )  
13    )  
14    )  
15                   Defendants.                   )  
16    )  
17    )  
18    )  
19    )  
20    )

21                   The Videotaped Web Deposition of  
22                   JOSH NELSON taken at Great Lakes  
23                   Communications, 1501 35th Avenue West,  
24                   Spencer, Iowa, on the 11th day of August,  
25                   2016, commencing at 10:42 a.m., and  
                 portions of the proceedings deemed  
                 confidential and pursuant to a protective  
                 order.



## APPEARANCES

PETER J. KORNEFFEL and  
NATHANIEL BUCHHEIT, Attorneys at Law  
of Bryan Cave LLP, 1700 Lincoln Street,  
Suite 4100, Denver, Colorado 80203,  
peter.korneffel@bryancave.com,  
303-861-7000, appearing on behalf of the  
plaintiff;

HEATHER K. KELLY, Attorney at Law,  
555 17th Street, Suite 3400, Denver,  
Colorado 80202, hkelly@gordonrees.com,  
appearing on behalf of the defendant  
Alpine AudioNow;

ADAM L. MASSARO (appearing via audio  
only on the Web, but not visually  
appearing on the Web camera screen),  
Attorney at Law of Lewis Roca Rothgerber  
Christie LLP, 1200 17th Street,  
Suite 3000, Denver, Colorado 80202,  
amassaro@LRRC.com, appearing on behalf of  
the defendant Bluetone Communications.

3

## APPEARANCES (CONTINUED)

Also Present: Joe Bowser, Attorney  
at Law, Innovista Law, 115 E. Broad  
Street, Richmond, Virginia, appearing on  
behalf of the deponent.

Videographer: Chris Baker,  
F8 Creative 712-240-4504, 719 1st Avenue W,  
Spencer, Iowa 51301

Reported by Carolyn Plueger, CSR, RPR,  
Schuetts Reporting, PO Box 1325, Sioux  
City, Iowa 712-239-1300

## INDEX

VIDEOTAPED WEB DEPOSITION OF JOSH NELSON	
Examination by Mr. Korneffel	5
Examination by Ms. Kelly	81
Further Examination by Mr. Korneffel	93
Addendum	103
Certificate of Deponent	104
Certificate of Reporter	105

## EXHIBITS

Number & Description	
1. Subpoena to Testify	
2. Porting and Indemnification Agreement	
3. Marketing Agreement	
4. Telecommunications Service Agreement	
5. Great Lakes Communication Corporation	
In Re: Customer to Port Number	

5

THE VIDEOGRAPHER: All right.

Good morning. Today's videotaped  
deposition of Josh Nelson is taken on  
Thursday, August 11th, 2016, at Great  
Lakes Communication Corporation, 1501 35th  
Avenue West, Spencer, Iowa, in the matter  
of CenturyLink, Incorporated versus Alpine  
AudioNow, LLC, et al., Civil Action No.  
1:15-cv-01973-MSK-KLM, in the United  
States District Court for the District of  
Colorado.

My name is Chris Baker with F8  
Creative, LLC, located in Spencer, Iowa.

We are now commencing at 10:43 a.m.

Will all present please identify  
themselves, beginning with the witness.

THE WITNESS: My name is Josh D.  
Nelson.

MR. BOWSER: Good morning. Joe  
Bowser of Innovista Law in Richmond,  
Virginia, on behalf of the witness and  
Great Lakes Communication Corp.

MR. KORNEFFEL: This is Peter  
Korneffel, and I have with me Nathaniel  
Buchheit, and we represent CenturyLink.

1 MS. KELLY: This is Heather Kelly  
2 on behalf of Alpine AudioNow.  
3 MR. MASSARO: This is Adam Massaro  
4 on behalf of Bluetone Communications. And  
5 as far as stipulating to join each other's  
6 objections so that we don't have to repeat  
7 them every time.

8 THE VIDEOGRAPHER: Thank you.  
9 Will the reporter please swear in the  
10 witness.

11 \* \* \* \*

12 JOSH NELSON  
13 being first duly sworn by the court  
14 reporter, was examined and testified as  
15 follows:

16 EXAMINATION

17 BY MR. KORNEFFEL:

18 Q. Would you please state your full  
19 name for the record.

20 A. My full name is Joshua D., Dean,  
21 sorry, D-e-a-n, Nelson.

22 Q. And what is your profession, sir?

23 A. I am the owner of Great Lakes  
24 Communication.

25 Q. And how long have you owned Great

1 you answer verbally rather than head  
2 shakes so that the court reporter can take  
3 it down as well as uh-huhs and huh-uhs,  
4 those kind of things don't transcribe very  
5 well. I just violated that rule, but  
6 those things don't work very well. Is  
7 that all fair as well?

8 A. It is.

9 Q. Okay. Mr. Nelson, you understand  
10 that you are today sitting for this  
11 deposition as a corporate representative  
12 of your company, Great Lakes?

13 A. I do.

14 Q. Okay. And I believe that there  
15 are some exhibits that we sent you or  
16 that -- that we sent last night, including  
17 a deposition notice as well as some of the  
18 contracts between Great Lakes and  
19 AudioNow. Do you have those in front of  
20 you?

21 A. I do.

22 Q. Let's quickly turn to the -- to  
23 the deposition notice, with the areas, the  
24 categories, and we should mark that as  
25 Deposition Exhibit 1 with the court

7

1 Lakes Communication?

2 A. Since it was started in late  
3 2004 or early 2005.

4 Q. And, sir, you live in Spencer,  
5 Iowa; is that correct?

6 A. I do.

7 Q. Mr. Nelson, I think that we'll be  
8 fairly quick today for the deposition.  
9 Just a couple of quick ground rules with  
10 the video deposition, it is a little bit  
11 more tricky, so we do need to speak  
12 slowly. Try not to speak over each other  
13 so that the court reporter can capture our  
14 words. If you have a question or you  
15 don't understand what I'm asking, by all  
16 means please tell me and we can rephrase  
17 the question and we'll work our way  
18 through it. Otherwise if you answer the  
19 question, I'll assume that you understand  
20 what I'm asking about. Is that fair?

21 A. Yes.

22 Q. Okay. And you have been deposed  
23 before, sir, is that right?

24 A. I have.

25 Q. And so you need to make sure that

9

1 reporter.

2 \* \* \* \*

3 (Exhibit 1 was marked.)

4 \* \* \* \*

5 COURT REPORTER: Deposition  
6 Exhibit 1 marked.

7 Q. You have seen that Notice before,  
8 sir?

9 A. I have.

10 Q. And that's the Notice that you're  
11 prepared to answer or respond to questions  
12 on behalf of Great Lakes for; is that  
13 right?

14 A. Yes.

15 Q. And to prepare or to make sure  
16 that you're prepared to be able to answer  
17 those questions pursuant to that Notice,  
18 could you please describe what you did to,  
19 I guess, investigate the areas, the  
20 categories that are requested there.

21 A. For the most part, I looked  
22 through the questions and supplied  
23 exhibits, whatever. And that's really  
24 about it, I guess.

25 Q. Okay. You are personally aware of

1 the relationship between Great Lakes and  
 2 AudioNow; is that right, sir?  
 3 **A. I am.**  
 4 **Q.** Can you tell me approximately how  
 5 many employees Great Lakes has?  
 6 **A. Direct employees, say, this**  
 7 **company has like 14, I believe.**  
 8 **Q.** And -- and -- and can you -- and  
 9 approximately how many customers --  
 10 colocation type customers such as AudioNow  
 11 does Great Lakes have?  
 12 **A. Roughly --**  
 13 MR. BOWSER: Objection. Vague.  
 14 **A. -- 25 to 30.**  
 15 **Q.** And -- and of those, is AudioNow  
 16 one of the larger of the customers from  
 17 Great Lakes?  
 18 **A. They're -- they're in the top 25**  
 19 **percent, but -- I suppose you could say.**  
 20 **Q.** And can you tell me approximately  
 21 how big a customer, in terms of annual  
 22 dollars, Great Lakes -- I'm sorry --  
 23 AudioNow is for Great Lakes?  
 24 **A. Roughly, let's see.**  
 25 MS. KELLY: I'm going to object on

11

1 the right of confidentiality and privacy  
 2 of the financial record.  
 3 MR. KORNEFFEL: You can go ahead  
 4 and mark the transcript as confidential  
 5 under the protective order until such time  
 6 as we can delineate the specific  
 7 designations pursuant to the protective  
 8 order. That's fine.  
 9 [REDACTED]  
 10 [REDACTED]  
 11 **Q.** And it has been that way since  
 12 2012?  
 13 **A. No. It's -- well, I don't know if**  
 14 **it's increased. It's gone up and down so**  
 15 **it's not always the same.**  
 16 **Q.** Okay. Did you go back and look at  
 17 any of the contract files between Great  
 18 Lakes and AudioNow as part of your  
 19 preparation for this deposition?  
 20 **A. I did. I do. Yep.**  
 21 **Q.** And are those in your office, the  
 22 contract files?  
 23 **A. They're --**  
 24 **Q.** Your personal office, sir.  
 25 **A. No. They're -- sorry. I was**

1 **going to say, they're scanned on a server.**  
 2 **Q.** Did you talk to anybody at  
 3 AudioNow in preparation for the  
 4 deposition?  
 5 **A. No.**  
 6 **Q.** Very briefly --  
 7 MR. BOWSER: I'm sorry, I couldn't  
 8 hear your question.  
 9 MR. KORNEFFEL: My question was  
 10 whether he spoke to anybody from AudioNow  
 11 in preparation for the deposition. And he  
 12 said no.  
 13 MR. BOWSER: I heard that one, but  
 14 then I saw your lips moving, but I got no  
 15 audio, so I didn't know if there was a  
 16 lag.  
 17 MR. KORNEFFEL: Sometimes I do  
 18 that, Joe. It's a little trick I have.  
 19 MR. BOWSER: Okay.  
 20 **Q.** Mr. Nelson, very briefly, could  
 21 you tell me what your educational  
 22 experience is.  
 23 **A. I graduated from Terril High**  
 24 **School. I attended Iowa Lakes University**  
 25 **-- Iowa Lakes Community College for two**

13

1 **years. Then I took -- I graduated from**  
 2 **Buena Vista University with a business**  
 3 **degree and I majored in entrepreneurship**  
 4 **and management.**  
 5 **Q.** And how about your professional  
 6 background, your employment background, if  
 7 you could describe that.  
 8 **A. Sure. I directly out of high**  
 9 **school started working for a phone**  
 10 **company. And then I left that phone**  
 11 **company to work for a fiberoptic company**  
 12 **for two or three years. And in 2000 I**  
 13 **worked for a large municipal telephone**  
 14 **company for six or seven years until I**  
 15 **started Great Lakes Communication.**  
 16 **Q.** Okay. We talked a bit -- we  
 17 talked a second about how many employees  
 18 Great Lakes has. Can you tell me how many  
 19 facilities Great Lakes has?  
 20 **A. What do you mean?**  
 21 MR. BOWSER: Objection. Vague as  
 22 to facilities.  
 23 **Q.** Can you answer that, sir?  
 24 **A. I don't know what you're talking**  
 25 **about.**

1 **Q.** Okay.  
 2 MR. BOWSER: Same objection.  
 3 **Q.** How many offices does Great Lakes  
 4 have?  
 5 **A. We have one main office.**  
 6 **Q.** And how many colocation facilities  
 7 does Great Lakes have?  
 8 **A. One.**  
 9 **Q.** And where is that colocation  
 10 facility located?  
 11 **A. I don't know the exact address,**  
 12 **but it's on Highway 9 next to the town of**  
 13 **Lake Park, Iowa.**  
 14 **Q.** How large is that colocation  
 15 facility?  
 16 **A. The colocation facility itself**  
 17 **probably houses 40 racks. It's 3,000**  
 18 **square feet in the inside.**  
 19 **Q.** Is that owned by Great Lakes or  
 20 does Great Lakes, I guess, lease that from  
 21 somebody else?  
 22 **A. It -- it's actually owned by**  
 23 **another LLC that Great Lakes -- and then**  
 24 **Great Lakes leases it from them.**  
 25 **Q.** Okay. Let's talk about a couple

15

1 of the entities that are involved in this  
 2 case. First of all, have you looked at  
 3 the complaint in this matter, Mr. Nelson?  
 4 **A. I did. I did, yes.**  
 5 **Q.** And in the complaint there are a  
 6 couple of defendants in addition to Alpine  
 7 AudioNow. And we've already established  
 8 the relationship, and we'll talk about it  
 9 more, between Great Lakes and AudioNow,  
 10 but I'd also like to quickly identify  
 11 other defendants in this case and make  
 12 sure that we have the testimony clean on  
 13 it.  
 14 One is called Telaris Enhanced  
 15 Services Inc., LLC. Does Great Lakes have  
 16 or has it ever had any kind of business  
 17 relationship with Telaris Enhanced  
 18 Services, LLC?  
 19 **A. No, not that I know of.**  
 20 **Q.** Does Great Lakes know who Telaris  
 21 is? Do you know where that company is or  
 22 ever heard of the company?  
 23 **A. No, not until I received this**  
 24 **complaint had I known who they were.**  
 25 **Q.** Okay. How about the other

1 defendant, Bluetone Communications, LLC,  
 2 does Great Lakes have any relationship or  
 3 has it ever had any relationship with  
 4 Bluetone?  
 5 **A. Not that I know of, no.**  
 6 **Q.** And have you ever heard of them  
 7 prior to this -- seeing the complaint in  
 8 this matter?  
 9 **A. No, not until I read this and then**  
 10 **I looked, so --**  
 11 **Q.** Okay. Now Mr. Nelson, the two  
 12 companies that we were just talking about  
 13 are companies that for a period were  
 14 interconnected -- had the interconnection  
 15 services and Great Lakes is a local  
 16 exchange service carrier. Is that right?  
 17 MR. MASSARO: This is Adam  
 18 Massaro. Objection. Form.  
 19 **A. We are a CLEC, so we're a**  
 20 **competitive local exchange carrier.**  
 21 **Q.** Okay. And as a CLEC, do you  
 22 connect to interexchange carriers for  
 23 long-distance calls?  
 24 **A. Yes.**  
 25 **Q.** And is there one particular

17

1 interconnection service that Great Lakes  
 2 uses for its long-distance calls?  
 3 MR. BOWSER: Objection. Vague.  
 4 **A. We use all the IXCs, I guess, if**  
 5 **that's what -- so IXCs are long-distance**  
 6 **carriers. So we use all the long-distance**  
 7 **carriers.**  
 8 **Q.** So all the IXCs can connect in  
 9 through -- to your facility?  
 10 **A. Yes. Yeah.**  
 11 **Q.** And what is Great Lakes connection  
 12 to Iowa Network Services?  
 13 **A. Iowa -- Iowa Network Services is**  
 14 **our centralized equal access provider.**  
 15 **Q.** So what does that mean for Great  
 16 Lakes?  
 17 **A. So the long distance carriers**  
 18 **connect to -- excuse me -- Iowa -- INS --**  
 19 **INS hauls the calls to Great Lakes.**  
 20 **Q.** So all calls that come from IXCs  
 21 can float through INS to Great Lakes?  
 22 **A. Correct.**  
 23 MR. BOWSER: Objection. Misstates  
 24 the testimony.  
 25 **A. Well --**

1 motivation for bringing those actions?  
 2 MS. KELLY: Yes.  
 3 MR. BOWSER: Other than money?  
 4 MS. KELLY: Correct.  
 5 THE WITNESS: Just to stop the  
 6 fraud, right. So --  
 7 MS. KELLY: Those are all my  
 8 questions.  
 9 MR. KORNEFFEL: Mr. Nelson, thank  
 10 you. Mr. Bowser, thank you. And I guess  
 11 that's all we have. Do you need anything  
 12 else, court reporter, from us right now?  
 13 COURT REPORTER: No. Thank you.  
 14 MR. KORNEFFEL: Okay. Thank you,  
 15 everybody. Have a nice day. Thank you  
 16 for arranging the video.  
 17 THE VIDEOGRAPHER: This now  
 18 concludes today's video deposition of Josh  
 19 D. Nelson, in the matter of CenturyLink,  
 20 Incorporated versus Alpine AudioNow, LLC,  
 21 et al. We are now off the record. The  
 22 time is 12:56 p.m.  
 23 (The foregoing deposition was  
 24 concluded at 12:56 p.m.)  
 25

103

1 ADDENDUM  
 2 I, JOSH NELSON, find the following  
 3 corrections to my deposition given on  
 4 8-11-16 in CenturyLink v. Alpine AudioNow.  
 5  
 6 Page Line Correction  
 7 — — —  
 8 — — —  
 9 — — —  
 10 — — —  
 11 — — —  
 12 — — —  
 13 — — —  
 14 — — —  
 15 — — —  
 16 — — —  
 17 — — —  
 18 — — —  
 19 — — —  
 20  
 21 If you make no corrections, please  
 22 indicate "No Corrections."  
 23  
 24  
 25 Deponent's Signature

1 CERTIFICATE OF DEPONENT  
 2 I, JOSH NELSON, the undersigned  
 3 deponent, hereby state under oath that I  
 4 did read the foregoing pages of  
 5 transcript; that any corrections I want to  
 6 make to the foregoing pages of transcript  
 7 have been set out on the foregoing  
 8 Addendum; and that I have indicated the  
 9 correction itself and the page and line  
 10 number of the correction, if any.  
 11 In witness whereof, I hereunto affix  
 12 my signature this \_\_\_ day of \_\_\_\_\_  
 13 2016, before the undersigned Notary Public.  
 14  
 15 \_\_\_\_\_  
 16 Deponent's Signature  
 17  
 18 I did witness the above signature on  
 19 this \_\_\_ day of \_\_\_\_\_, 2016, in  
 20 the City of \_\_\_\_\_, County  
 21 of \_\_\_\_\_, State of \_\_\_\_\_.  
 22  
 23 \_\_\_\_\_  
 24 Notary Public  
 25 My Commission expires: \_\_\_\_\_

105

1 CERTIFICATE  
 2 I, Carolyn Plueger, Certified  
 3 Shorthand Reporter, do hereby certify that  
 4 there came before me on the 11th day of  
 5 August, 2016, at Great Lakes  
 6 Communications, 1501 35th Avenue West,  
 7 Spencer, Iowa, JOSH NELSON, who was first  
 8 duly sworn to testify to the truth, the  
 9 whole truth and nothing but the truth in  
 10 the foregoing cause, and then examined  
 11 orally upon his oath; that I took down  
 12 stenographically the testimony of said  
 13 witness, reduced the same to writing by  
 14 use of a computer and printer, and that  
 15 the foregoing deposition is a true record  
 16 to the best of my ability of the testimony  
 17 given by said witness, any objections or  
 18 motions made, and of all proceedings had  
 19 on the taking of said proceeding at the  
 20 above time and place.  
 21 I further certify that I am not  
 22 employed by any of the parties in this  
 23 action; and further that I am not a  
 24 relative or employee of any attorney or  
 25 counsel employed by the parties hereto, or

1 financially interested in the action.

2 A copy of this transcript is kept by  
3 me on a computer backup system and will be  
4 retained for five years from today's date  
5 unless requested by the parties to be  
6 retained longer.

7 I have hereunto subscribed my name at  
8 Sioux City, Iowa, Woodbury County, on this  
9 20th day of August, 2016, certifying the  
10 foregoing deposition.

11  
12  
13  
14  
15 Certified Shorthand Reporter  
16  
17  
18  
19  
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1

## ADDENDUM

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I, JOSH NELSON, find the following  
corrections to my deposition given on  
8-11-16 in CenturyLink v. Alpine AudioNow.

Page	Line	Correction
------	------	------------

No corrections

If you make no corrections, please  
indicate "No Corrections."

  
Deponent's Signature

## CERTIFICATE OF DEPONENT

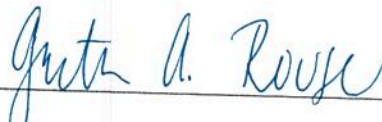
I, JOSH NELSON, the undersigned deponent, hereby state under oath that I did read the foregoing pages of transcript; that any corrections I want to make to the foregoing pages of transcript have been set out on the foregoing Addendum; and that I have indicated the correction itself and the page and line number of the correction, if any.

In witness whereof, I hereunto affix my signature this 19<sup>th</sup> day of September 2016, before the undersigned Notary Public.



Deponent's Signature

I did witness the above signature on this 19<sup>th</sup> day of September, 2016, in the City of Spencer, County of Clay, State of Iowa.



Notary Public

My Commission expires: October 27, 2018





# **EXHIBIT 3**

**Excerpted pages from the deposition of  
John Habiak (November 13, 2014)**

**HIGHLY CONFIDENTIAL  
MATERIALS OMITTED**

UNITED STATES DISTRICT COURT

WESTERN DIVISION

GREAT LAKES COMMUNICATION	*	
CORP.,	*	
	*	
Plaintiff,	*	Case No.
	*	
v.	*	5:13-cv-4117
	*	
AT&T CORP.,	*	
	*	
Defendant.	*	

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

November 13, 2014

9:25 a.m.

Deposition of JOHN HABIAK,  
taken by the Defendant, pursuant to Notice and Rule  
30(b)(6) notice, at the offices of AT&T Corp., One  
AT&T Way, Bedminster, New Jersey, before David  
Levy, CSR, RPR, CLR a Notary Public of the States  
of New York and New Jersey.

Job No: 36636

A P P E A R A N C E S:

Attorneys for Plaintiff

INNOVISTA LAW, PLLC

1200 18th Street, N.W., Suite 700

Washington, D.C. 20036

(202) 750-3502

BY: JOSEPH P BOWSER, ESQ.

joseph.bowser@innovistalaw.com

Attorneys for Defendant

SIDLEY AUSTIN, LLP

One South Dearborn

Chicago, Illinois 60603

(312) 853-7000

BY: BRIAN A. McALEENAN, ESQ.

bmcaleenan@sidley.com

1           Habiak - Confidential - Attorneys' Eyes Only

2           J O H N       H A B I A K , having been duly sworn  
3                       by the Notary Public, was examined and  
4                       testified as follows:

5       EXAMINATION BY

6       MR. BOWSER:

7                       Q.   Good morning, Mr. Habiak.

8                       A.   Good morning.

9                       Q.   We've met before, but for the record,  
10                      my name is Joe Bowser. I represent Great Lakes  
11                      Communication Corp. in this case.

12                     Would you please state your name and  
13                     business address for the record?

14                     A.   It's John Habiak, and it's  
15                     Bedminster -- One AT&T Way, Bedminster.

16                     Q.   And the zip here?

17                     A.   07921.

18                     Q.   And that's where we are today,  
19                     correct?

20                     A.   Yes, um-hum.

21                     Q.   Despite the informal setting that  
22                     we're in here today, the oath that you just gave to  
23                     the court reporter is the same one that you would  
24                     give to a judge in a court of law, do you  
25                     understand that?

1           Habiak - Confidential - Attorneys' Eyes Only

2           A.   Yes.

3           Q.   And I understand that you've had your  
4 deposition taken before.

5           A.   Yes.

6           Q.   Have you had your deposition taken  
7 before since we last met in 2012?

8           A.   No.

9           Q.   Okay.  So I'll just walk through some  
10 of the ground rules.  The court reporter is taking  
11 down everything that we're saying, so things will  
12 flow from that.

13                   It's important that you let me please  
14 finish my question before you start your answer.  
15 And I'll do my best to let you finish your answer  
16 before I start my next question, okay?

17           A.   Um-hum.

18           Q.   And --

19           A.   Yes.

20           Q.   There we go.  That's the second one.  
21 We need audible verbal responses.  So "uh-huhs" and  
22 "uh-uhs" don't record very well in a transcript,  
23 and so we need to use yesses and nos, please.

24           A.   Right.

25           Q.   And if you need any clarification on

1           Habiak - Confidential - Attorneys' Eyes Only  
2           any of my questions, please just let me know and  
3           I'll do my best to explain the question.

4           A.    Okay.

5           Q.    Okay?  And if I ask a question and  
6           there would be documents that would help you give a  
7           better or more informed answer, please let me know  
8           what they are, and I may have them with me and be  
9           able to share them with you here, okay?

10          A.    Will do.

11          Q.    And if Mr. McAleenan interposes any  
12          objections, please give him a chance to do that,  
13          and unless he instructs not to answer, please go  
14          ahead and answer my question.

15          A.    Right.

16          Q.    And if you need a break at any time,  
17          just let me know.  The only thing that I ask is  
18          that you answer any question that's on the table.

19          A.    Will do.

20          Q.    Okay.  The court reporter has  
21          premarked for us Deposition Exhibit GLCC number 1.

22          EXH               (Deposition Exhibit 1, amended  
23                               notice of 30(b)(6) deposition of AT&T  
24                               Corp., marked for identification, as of  
25                               this date.)

1           Habiak - Confidential - Attorneys' Eyes Only

2           Q.   I'm going to hand that to you.   It's  
3   Great Lakes's amended notice of 30(b)(6) deposition  
4   of AT&T Corp.

5           MR. McALEENAN:   And Joe, right here, I  
6           just wanted to note for the record that  
7           the parties have exchanged correspondence  
8           and objections regarding the notice that  
9           addressed the scope of the topics as well  
10          as specifically the topics that Mr. Habiak  
11          would be addressing, and that this  
12          deposition here today is subject to that  
13          correspondence.

14          MR. BOWSER:   Understood.   And I'll  
15          walk through with Mr. Habiak what I  
16          understand him to be here today in his  
17          capacity as an AT&T witness.

18          Q.   And Mr. Habiak, do you understand that  
19          you're also here in your capacity as an individual  
20          fact witness?

21          A.   Yes.

22          Q.   When were you first asked to testify  
23          on AT&T's behalf in connection with this deposition  
24          notice?

25          A.   Um -- maybe a month ago.   I'm not

Bar Index	Length (0-100)
1	95
2	25
3	100
4	55
5	95
6	90
7	40
8	80
9	65
10	100
11	20
12	50
13	100
14	95
15	85
16	95
17	15
18	90
19	100
20	60
21	65
22	90
23	100
24	20



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9 Q. AT&T is not paying INS' tandem charges  
10 relating to Great Lakes traffic, right?

11 A. Right.

12 Q. But it's not paying Great Lakes  
13 either, right?

14 A. Right.

15 Q. So AT&T does not think that the INS  
16 charges or the Great Lakes charges are,  
17 quote-unquote, "Legit," right?

18 MR. McALEENAN: Objection, foundation.

19 Calls for a legal conclusion.

20 You can answer.

21 A. We do not feel that they are  
22 legitimate right now.

[REDACTED]

[REDACTED]

[REDACTED]

Bar Index	Length (0-100)
1	100
2	75
3	50
4	70
5	100
6	90
7	95
8	95
9	40
10	100
11	60
12	95
13	20
14	65
15	100
16	95
17	90
18	80
19	95
20	70

**PUBLIC VERSION**  
JOHN HABIAK - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

175

A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged vertically, with the longest bar at the top and the shortest bar at the bottom. The lengths of the bars vary significantly, with some being nearly full-width and others being very short. The bars are arranged in a single column, with the longest bar at the top and the shortest bar at the bottom. The lengths of the bars vary significantly, with some being nearly full-width and others being very short.

176

A horizontal bar chart with 20 rows. Each row consists of a black rectangular redaction bar followed by a numerical value. The values are: 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10, 10. The bars are of varying lengths, with the longest bars corresponding to the value 10 and the shortest bars corresponding to the value 10.

Category	Value
1	10
2	10
3	10
4	10
5	10
6	10
7	10
8	10
9	10
10	10
11	10
12	10
13	10
14	10
15	10
16	10
17	10
18	10
19	10
20	10

**PUBLIC VERSION**  
JOHN HABIAK - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

177

Bar Index	Length (0-100)
1	95
2	90
3	20
4	40
5	100
6	35
7	45
8	90
9	65
10	95
11	100
12	95
13	75
14	90
15	45
16	100
17	20
18	100
19	90
20	25
21	95
22	60

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6 MR. BOWSER: Seventeen, please.

7 EXH (Deposition Exhibit 17, e-mail  
8 chain Bates numbered ATT0000726, marked  
9 for identification, as of this date.)

10 Q. You've just been handed what's been  
11 marked as Exhibit 17, which is Bates-stamped ATT  
12 726. And this fast forwards us about ten months  
13 here, or eight months, rather.

14 (Witness perusing document.)

15 A. Okay.

16 Q. Have you had a chance to look at that?

17 A. Um-hum.

18 Q. Do you remember this e-mail exchange?

19 A. Yup.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A horizontal bar chart consisting of 20 rows of black bars. The bars are arranged in a single column, with the longest bars in the middle and the shortest at the top and bottom. The bars represent a distribution of data, with the longest bars in the middle and the shortest at the top and bottom.

A horizontal bar chart consisting of 20 rows. Each row contains a single black bar of varying length. The bars are arranged in a single column, with the longest bar at the top and the shortest bar at the bottom. The lengths of the bars vary significantly, with some being nearly full-width and others being very short.



C E R T I F I C A T E

I, DAVID LEVY, RPR, CSR, a  
Shorthand Reporter and Notary Public.  
within and for the States of New York  
and New Jersey, do hereby certify:

That JOHN HABIAK, the witness  
whose deposition is hereinbefore set  
forth, was duly sworn by me and that  
such deposition is a true record of the  
testimony given by the witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I  
am in no way interested in the outcome  
of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of November  
2014.

---

DAVID LEVY, CSR, RPR, CLR

PUBLIC VERSION

JOHN HABIAK - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

217

E R R A T A

I wish to make the following changes,  
for the following reasons:

PAGE LINE

14:25 CHANGE: "Remote" to "Report"

REASON: Typographical error

15:22 CHANGE: "servers" to "facilities"

REASON: Typographical error

15:23 CHANGE: "servers" to "facilities"

REASON: Typographical error

27:12 CHANGE: Add "Bob Mulcahy" and "Dave Handal"

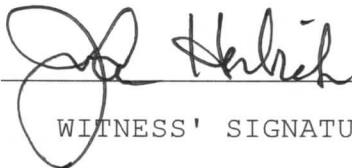
REASON: Clarify the record

48:25 CHANGE: "No" to "Yes"

REASON: Clarify the record

60:12 CHANGE: "CBE" to "CVE"

REASON: Typographical error

  
WITNESS' SIGNATURE

  
DATE

PUBLIC VERSION

JOHN HABIAK - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

217

E R R A T A

I wish to make the following changes,  
for the following reasons:

PAGE LINE

60:24 CHANGE:"CBE" to "CVE"

REASON:Typographical error

149:5 CHANGE:"credit" to "current"

REASON:Believed typographical error

\_\_\_ CHANGE: \_\_\_\_\_

REASON: \_\_\_\_\_

\_\_\_ CHANGE: \_\_\_\_\_

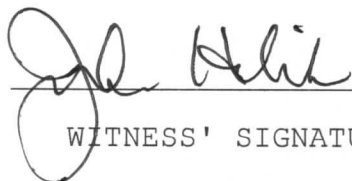
REASON: \_\_\_\_\_

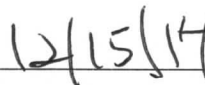
\_\_\_ CHANGE: \_\_\_\_\_

REASON: \_\_\_\_\_

\_\_\_ CHANGE: \_\_\_\_\_

REASON: \_\_\_\_\_

  
WITNESS' SIGNATURE

  
DATE